

500.34763CX4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: H. MASUI, et al

Serial No.: 10/023,736

Filed: December 21, 2001

For: CDMA MOBILE COMMUNICATION SYSTEM AND
COMMUNICATION METHOD

Group: 2665

Examiner: S. H. D. Nguyen

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SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
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July 24, 2006

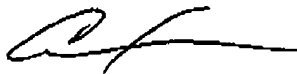
Sir:

Attached is a Terminal Disclaimer submitted in an effort to place this
application in condition for allowance.

Accordingly, early allowance of claims 18-26 is respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37
C.F.R. §1.136. Please charge any shortage in the fees due in connection with the
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Respectfully submitted,



Carl I. Brundidge
Registration No. 29,621
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

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500.34763CX4

In re Application of: H. MASUI, et al

Application No.: 10/023,736

Filed: December 21, 2001

For: CDMA MOBILE COMMUNICATION SYSTEM AND COMMUNICATION METHOD

The owner, **HITACHI, LTD.** (As per the Assignment recorded on Reel 8156 and Frame 0541) of the ENTIRE percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent Nos. **6,393,013; 6,269,088 and 6,570,865** as the terms of said prior patents are defined in 35 USC 154 and 173, and as the terms of said prior patents are presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 and 173 of the prior patents, "as the terms of said prior patents are presently shortened by any terminal disclaimer," in the event that said prior patents later:

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- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Reg. No. 29,621


Signature

July 24, 2006
Date

Carl I. Brundidge

Typed or printed name

(703) 684-1120
Telephone number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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